

REMARKS/ARGUMENTS

The Examiner is thanked for the Office Action mailed March 17, 2009. The status of the application is as follows:

- Claims 1-20 are pending and claim 8 has been amended;
- Claims 8-14 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention;
- Claims 1-3, 5-8, 10-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zlokolic et al. (Video denoising using multiple class averaging with multiresolution, University of Ghent, Belgium) in view of Eck et al. (US 2006/0072845); and
- Claims 4, 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zlokolic et al. in view of Eck et al. and in further view of Brailean et al. (Noise Reduction: Filters for Dynamic Image Sequence: A Review).

The objections and rejections are discussed below.

The Rejection under 35 U.S.C. 101

Claims 8-14 stand rejected under 35 U.S.C. 101. In particular, the Office asserts that the claims do not fall with one of the four statutory categories of invention. Claim 8 has been amended herein to overcome this rejection. Claims 9-14 depend from claim 8 and are allowable at least by virtue of their dependencies. Therefore, this rejection is now moot and should be withdrawn.

The Rejection of Claims 1-3, 5-8, 10-19 under 35 U.S.C. 103(a)

Claims 1-3, 5-8, 10-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zlokolic et al. in view of Eck et al. This rejection should be withdrawn because the combination of Zlokolic et al. and Eck et al. does not establish a *prima facie* case of obvious with respect to the subject claims.

The rationale to support a conclusion that the claim would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed. *KSR International Co v Teleflex Inc*, 550 U.S. ____ (2007). MPEP §2143.

"To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). MPEP §706.02(j).

Claim 1 recites an image processing system for reduction of noise and enhancement of edges in images of a sequence, comprising, *inter alia*: a filter that ***temporally filters one or more of the slices*** for differently filtering the slices according to the content, wherein ***one or more high frequency slices are filtered at a greater rate than one or more low frequency slices***. The combination of Zlokolic et al. and Eck et al. fail to teach the emphasized claim elements.

The Office asserts that sections 2-3 and figure 2 of Zlokolic et al. disclose a filter that temporally filters one or more slices. This assertion is respectfully traversed. Zlokolic et al. in sections 2-3 discloses processing along four bands LL, LH, HL, and HH using filters LLF, LHF, HLF and HHF. These filters filter based on spatial detail, which is defined as the local dispersion of pixels compared to the average grey area of the pixels in a current window (see section 3, pages 5-6 and section 2, page 3). Zlokolic et al. is silent regarding a filter that temporally filters one or more slices (e.g., filtering based on time).

The Office concedes that Zlokolic et al. fails to teach one or more high frequency slices filtered at a greater rate than one or more low frequency slices, but asserts that Eck et al. at paragraphs [0013] and [0045-0047] makes up for these conceded deficiencies. Eck et al., however, discloses filtering all the detail images using the same low-pass filter (see paragraphs [0014] and [0044]). Therefore, Eck et al. fails to disclose filtering high frequency slices at a greater rate than low frequency slices as recited in claim 1. As such, the combination of Zlokolic et al. and Eck et al. fail to teach or suggest all the elements of claim 1 and the rejection should be withdrawn.

Claims 7-8 disclose a system and a method which recites aspects similar to those recited in claim 1. As such, the arguments made previously with regards to claim 1 apply *mutatis mutandis* to claims 7-8.

Claims 2-3, 5-6 and 10-19 depend from claims 1 and 7-8, respectively, and are allowable at least by virtue of their dependencies. Accordingly, the rejection of claims 2-3, 5-6 and 10-19 should be withdrawn.

The Rejection of Claims 4, 9 and 20 under 35 U.S.C. 103(a)


Claims 4, 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zlokolic et al. in view of Eck et al. and further in view of Brailean et al. This rejection should be withdrawn because claims 4, 9 and 20 depend from claims 1 and 7-8, respectively, and are allowable at least by virtue of their dependencies.

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Conclusion

In view of the foregoing, it is submitted that the claims distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kathryn E. Owen', followed by a horizontal line.

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